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October 8, 2020

*Via ECF*

The Honorable Sarah Netburn  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 430  
New York, NY 10007

Re: *In re Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

I write on behalf of Defendant Kingdom of Saudi Arabia (“Saudi Arabia”) in response to Plaintiffs’ letter of October 7, 2020, purporting to supplement the record in support of Plaintiffs’ Motion for Reconsideration of the Court’s August 27, 2020 Order.

The letter attaches a *New York Times* article reporting on an interview given by Prince Bandar bin Sultan, former Ambassador to the United States, in which he allegedly criticized Palestinian leaders. Plaintiffs claim that the article shows that Ambassador Bandar “stand[s] ready to serve the interest of the Saudi state” and is therefore a “managing agent” of Saudi Arabia subject to compulsory deposition. Plaintiffs’ letter only underscores how preposterous their position is. The article expressly states that Prince Bandar “holds no current government position” and that his views were in fact a “surprising” departure from a position “long considered sacrosanct” in Saudi Arabia. Speculation by a reporter that Prince Bandar’s views may “jibe” with those of the Crown Prince does nothing to make him a “managing agent” of Saudi Arabia.

Former Ambassadors and retired officials in the United States regularly give interviews and speeches on policy issues, and their views may or may not “jibe” with the current administration. Accepting Plaintiffs’ contention that any public statement by a former government official supportive of his country’s current policies – or, as here, merely speculated to reflect the views of his country’s current leaders – would subject that person to compulsory deposition in cases involving the government would not only chill the speech of such former officials but also expand beyond recognition the settled law defining who qualifies as a “managing agent” under Federal Rule of Civil Procedure 30(b)(6).

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Respectfully submitted,

*/s/ Michael K. Kellogg*

Michael K. Kellogg  
*Counsel for the Kingdom of Saudi Arabia*

cc: All MDL Counsel of Record (via ECF)